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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,405	03/08/2000	Michael G. Martinek	IGTIP369/SH-052	1300
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BEYER WEAVER LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			EXAMINER KARKHANIS, AASHISH	
			ART UNIT 3714	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/520,405

Applicant(s)

MARTINEK ET AL.

Examiner

Aashish Karkhanis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 58-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 58 – 68 and 71 – 75 are rejected under 35 U.S.C. 102(b) as being anticipated by Mathur et al. (U.S. Patent 5,742,825).

Regarding Claims 58 and 71, Mathur discloses a computer that may be used as a computerized wagering game apparatus including a computerized game controller comprising a processor with a memory (col. 1, lin. 16; where a general purpose process scheduling system may be used for a specific wagering game system) and an operating system stored in said memory (col. 2, lins. 33 – 35), the controller further comprising a game state storage, a nonvolatile storage, the computerized game controller being operable to control a computerized wagering game, an operating system comprising an operating system kernel and a system handler application (col. 1, lins. 53 – 58), the operating system kernel and system handler application operable to dynamically link with a plurality of gaming program shared objects and device handlers and load said gaming program shared objects and device handlers (col. 1, lins. 39 – 43), the system handler application comprising an Application Program Interface comprising functions callable from the gaming program shared objects, the Application Program Interface comprising a plurality of gaming functions callable by and used by at least some of the

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shared objects (col. 1, lins. 33 – 38; where a general purpose API may be used for gaming functions), the system handler application operable to initiate a game based on data variables stored in the nonvolatile storage, the system handler application operable to write game data variables to at least one of the game state storage and nonvolatile storage, the system handler application is operable to load at least one of the gaming program shared objects in response to a change in the stored game data variables by another of the at least one gaming program shared objects (col. 3, lins. 9 – 13; where a gaming shared object is a specific type of generic shared object), and the game state storage including a look-up table for the data variables stored in the nonvolatile storage (col. 11, lins. 41 – 49; where a queue stores a lookup table of messages), wherein the system handler application further comprises an event handler (col. 3, lins. 42 – 47), the system handler application then unloading the first shared object, the system handler application then loading other shared objects and repeating steps (b) through (e) for said other shared objects, the operating system kernel then loading at least one additional shared object and repeating steps (b) through (e) for said at least one additional shared object, the system handler application then loading at least one device handler and repeating steps (b) through (e) for said at least one device handler, and the operating system kernel then loading at least one additional device handler and repeating steps (b) through (e) for said at least one additional device handler (col. 3, lins. 42 – 47; where an event handler may be configured to schedule processes according a number of different priorities and other criteria to execute in a specific desired order).

Regarding Claim 60, Mathur discloses a computerized wagering game apparatus wherein the system handler application comprises software having the ability when executed to unload a previous gaming program shared object or device handler if a previous object or device handler has been loaded, load a new gaming program shared object or device handler; and execute the new gaming program shared object or device handler (col. 3, lins. 42 – 47).

Regarding Claim 61, Mathur discloses a computer that may be used as a computerized wagering game apparatus wherein data variables modified by the gaming program shared objects are stored by the system handler application in the nonvolatile storage and a game state storage (col. 1, lins. 27 – 31; where a system handler application is inherently stored in memory as is well known in the art), and the system handler application functions to verify that the operating system or code for a shared object has not changed (col. 18, lins. 54 – 67; where an object's type is verified).

Regarding Claims 62 – 65 and 72, Mathur discloses a computer that may be used as a computerized wagering game apparatus wherein the game state storage provides a variable name index to associated variable data locations within the nonvolatile storage (col. 11, lins. 41 – 49; where a queue may be variable and has many data locations), wherein changing a data variable in nonvolatile storage causes execution of a corresponding callback function in one of the gaming program shared objects of the system handler application (col. 14, lins. 38 – 47; where callback functions are associated with a number system handler operations), wherein the computerized game controller comprises an IBM PC-compatible computer (col. 1, lin.

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23), wherein the operating system kernel is a Linux operating system kernel (col. 1, lins. 28 – 31; where a Linux operating system is a specific type of a generic operating system), wherein the Linux operating system kernel has at least one selected device handler disabled (col. 14, lins. 38 – 47; where device handlers are disabled when they are not needed).

Regarding Claims 67 – 68, Mathur discloses a computer that may be used as a computerized wagering game apparatus wherein the at least one selected device handler that is disabled is selected from the group consisting of a keyboard handler, an I/O port handler, a network interface handler, a storage device controller handler, and a I/O device handler (fig. 2; where a diagram of all connected elements is shown), wherein the system handler application and the operating system kernel work in communication to hash system handler application code and operating system kernel code (fig. 3; where system call structure paths are shown).

Regarding Claim 74, Mathur discloses a computer that may be used as a computerized wagering apparatus wherein the wagering game comprises a plurality of segments each comprising a gaming program shared object, wherein the system handler is operable to dynamically change the wagering game from one of the plurality of segments to another of the plurality of segments in response to the change in the stored game data variables (col. 3, lins. 9 – 13; where a gaming shared object is a specific type of generic shared object) or a change in at least one of the device handlers (col. 3, lins. 42 – 47).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 69 – 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathur in view of Marrington et al. (U.S. Patent 4,757,505).

Regarding Claim 69, Mathur discloses a computer that may be used as a computerized wagering apparatus wherein the operating system is controlled by a general-purpose computer and the nonvolatile storage stores program variables (col. 1, lin. 23), and the system handler application loads a first shared object and the first shared object calls up a gaming function from within an Application Program Interface (col. 1, lins. 33 – 38; where a general purpose API may be used for gaming functions). Mathur does not disclose that loss of power does not cause data to be lost. However, Marrington teaches a system for use with a PC such that loss of power does not result in loss of the state of the computerized wagering game system (col. 2, lins. 18 – 39). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the PC-based system handler of Mathur with the PC based power protection system of Marrington in order to safeguard data and allow for continued use of a computer system in the event of power loss.

Regarding Claim 70, Mathur discloses a computer that may be used as a computerized wagering apparatus of claim 69 wherein the system application handler loads and executes a single shared object at any one time (col. 3, lins. 9 – 13; where a

gaming shared object is a specific type of generic shared object) and wherein the system application handler shares data with at least one other shared object upon execution of the at least one other shared object (fig. 3; where system call structure paths are shown for data sharing and inter-process communication).

### ***Response to Arguments***

3. Applicant's arguments have been fully considered but they are not persuasive.

Applicant maintains that the claimed invention distinguishes over the prior art because Mathur does not disclose shared objects with interrupted execution loaded from non-volatile memory. The examiner respectfully disagrees. In fact, Mathur discloses a process scheduler as described above, which contains all of the scheduling, including partial execution, and memory managing, including loading programs and variables from memory, features that are disclosed by the claimed invention. These features are notoriously well known and established in the art of operating system scheduling and process management.

Applicant also maintains that the claimed invention distinguishes over the prior art because Mathur does not specifically cite gaming. However, Mathur discloses a process scheduler as discussed above which may be used on a generic computer system, which may inherently be a computer system for gaming. "Wagering" is an intended use of the system and does not change the claimed structure. Intended use does not distinguish over the prior art structure.

For the above reasons, claims 58 – 75 stand rejected.

### ***Conclusion***



The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,428,525: System Handler.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.

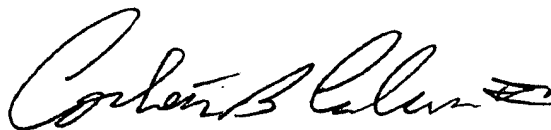
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARK

A handwritten signature in black ink, appearing to read "Corbett B. Coburn" with a stylized flourish at the end.

**CORBETT B. COBURN  
PRIMARY EXAMINER**